

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION**

**CASE NO. 23-80916-CIV-CANNON/Reinhart**

**LISANDRO ROVIRA**

on behalf of himself and all others similarly situated,

Plaintiff,

v.

**TRATTORIA ROMANA, INC.,**

Defendant.

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**ORDER ACCEPTING REPORT AND RECOMMENDATION**

**THIS CAUSE** comes before the Court upon the Magistrate Judge's Report and Recommendation on Defendant's Motion to Dismiss [ECF No. 59]. Upon review, the Report is **ACCEPTED** [ECF No. 59]. Defendant's Motion to Dismiss [ECF No. 22] is **DENIED**.

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On June 15, 2023, Plaintiff filed the operative Complaint in this matter, alleging violations of the Florida Minimum Wage Act ("FMWA") and the Fair Labor Standards Act ("FLSA") [ECF No. 1]. Defendant timely filed a Motion to Dismiss the Complaint [ECF No. 22]; Plaintiff filed an Opposition [51]; and Defendant filed a Reply [ECF No. 55]. On January 25, 2024, following referral [ECF No. 46], Magistrate Judge Bruce E. Reinhart issued a Report recommending denial of Defendant's Motion [ECF No. 59]. Neither party objects to the Report [ECF Nos. 62, 63].

To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See* Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822

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(11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). A district court reviews de novo those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge's report, the Court may accept the recommendation so long as there is no clear error on the face of the record. *Macort*, 208 F. App'x at 784. Legal conclusions are reviewed de novo, even in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Following review, the Court finds no clear error of law or fact in the Report.

Accordingly, it is hereby **ORDERED AND ADJUDGED** as follows:

1. The Report and Recommendation [ECF No. 59] is **ACCEPTED**.
2. Defendant's Motion to Dismiss [ECF No. 22] is **DENIED** in accordance with the Report.

**DONE AND ORDERED** in Chambers at Fort Pierce, Florida, this 20th day of February 2024.

  
AILEEN M. CANNON  
UNITED STATES DISTRICT JUDGE

cc: counsel of record